

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

United States of America,

v.

Kenneth Chio Heng long, [01]
Dorothy Chiu Lai Yung, [02]

defendants.

Cr. No. 05-117-HG

26 U.S.C. §7201, 18 U.S.C.
§§1014, 2 and 1028(a)(4)

trial Date: 10/24/06
The Hon. Helen Gillmor

DECLARATION OF COUNSEL

Stuart N. Fujioka, an attorney duly licensed before this Honorable Court, hereby declares that the following is true and based on personal knowledge.

1. I am court-appointed counsel for defendant/movant Kenneth Iong and am authorized to make this declaration.

a. Trial is set for October 24, 2006.

b. This case involves events beginning in 1997.

c. Indictment was filed 3/23/05.

2. I was recently appointed, replacing attorney David Klein.

3. Mr. Klein had previously secured funding to retain forensic accountant Frank Miller.

a. I am informed and believe that Mr. Klein in his legal assessment, had determined that Mr. Miller's involvement was not necessary to either present a defense at trial or negotiate a plea agreement.

b. Upon preliminary review of the 2000 documents produced by the

government in discovery, I on the other hand, have determined that I need the assistance of said accountant in formulating a trial defense and/or plea strategy.

c. On September 14, 2006, I sent to Mr. Miller a copy of the discovery and other materials for his review.

d. He indicates that based on his current workload and estimate of analysis required in this case, he will be unable to complete his review in time for the 10/24/06 trial and deadlines.

e. Accordingly, defense requests continuance of trial for 90 days.

f. Defendant/movant Kenneth Long consents to the requested continuance.

4. I was recently advised by AUSA Les Osborne that two of his trial witnesses will be out of the country on the current trial date.

a. While F.R.Cr.P. Rule 15 appears to permit depositions for preservation and use of testimony, in light of all other circumstances, continuance would allow the additional advantage of presenting live testimony of these witnesses at a later trial date.

5. This request is made in good faith and not for any improper purpose.

Dated: Honolulu, Hawaii, September 14, 2006.

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Stuart N. Fujioka, attorney for
defendant/movant Kenneth Long